

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED #7010 2780 0002 4354 7859**  
**GENERAL NOTICE LETTER**  
**URGENT LEGAL MATTER - PROMPT REPLY NECESSARY**

Hershell E. Wolfe  
Deputy Assistant Secretary of the Army  
(Environment, Safety and Occupational Health)  
Department of the Army  
Office of the Assistant Secretary of the Army  
Installations, Energy and Environment  
110 Army Pentagon  
Washington, D.C. 20310-0110

Ref: Explo Systems Site, Camp Minden, Webster Parrish, Louisiana

Dear Sir:

The purpose of this letter is to notify you of the Army's potential liability at the Explo System Inc., Site (Site). Currently there are ongoing removal investigation activities designed to address explosives at the Site, and the threats presented by the explosives.

The Site consists of 132 acres on Camp Minden, owned by the Louisiana National Guard. Camp Minden was formerly the Louisiana Army Ammunition Plant. In January 2005, DOD transferred the property to the Louisiana National Guard. Explo Systems, Inc., under contract with the DOD, conducted recycling of explosive powders and/or explosives from military munitions (cartridges for Howitzers) for commercial use starting in November 2006.

On October 15, 2012, the explosion of a magazine containing black powder and M6 Propellant at Explo Systems resulted in the complete destruction of the storage magazine containing the material.

On November 27, 2012, the Louisiana State Police (LSP) identified approximately 10 million lbs. of unsecured M6 Propellant and other explosives at the Site. M6 Propellant was stored throughout the buildings, hallways, and outside the facility where it was exposed to the elements.

Other explosives currently stored at the Site exist in smaller quantities but are also a threat due the reactive, explosive, and shock sensitive nature of the material. Overall, approximately 18,000,000 pounds of M6 Propellant and other explosives are stored within 98 magazines at Camp Minden that require removal and disposal.

A Superfund Site constitutes an area that is contaminated with hazardous substances at levels that may present a threat to human health or the environment. Under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, potentially responsible parties (PRPs) may be required to perform cleanup actions to

protect the public health and welfare or the environment. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment, or who arranged for the disposal or treatment of hazardous substances at the Site.

Based on the information collected, the U.S. Environmental Protection Agency (EPA) believes that the Army may be liable under Section 107(a) of CERCLA with respect to the Site, as a entity who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged transport for disposal or treatment, of hazardous substances owned or possessed by such entity. Enclosure A explains the General Notice and Removal Action, and offers you the opportunity to enter into an Administrative Order on Consent (AOC) as a Settling Party concerning the cleanup of the Site. Enclosure B explains the basis for the EPA's determination that the Army is a PRP. The draft AOC and draft Statement of Work (SOW) are included as Enclosure C.

The EPA invites you to participate in negotiations for the performance of removal work needed at the Site. You should also contact the representatives of the PRPs identified in Enclosure D to join in discussions among the PRPs. Should the Army decline to participate in negotiations offered under CERCLA, the Agency may use other available enforcement authorities including Section 7003 of RCRA, 42 U.S.C. § 6973, in order to ensure cleanup of the Site.

Upon reviewing the enclosed Notice (Enclosure A), please provide an oral response to Ms. Cynthia Brown, Removal Enforcement Coordinator, at 214-665-7480 within 3 days after receipt of this letter to let her know whether you will enter into AOC negotiations to address the current response at the Site.

If you have questions regarding the notice or any of the other documentation included, please contact Ms. Brown at 214-665-7480, or at [brown.cynthia@epa.gov](mailto:brown.cynthia@epa.gov). Questions concerning legal matters should be directed to EPA attorney Mr. George Malone at 214-665-8030, or [malone.george@epa.gov](mailto:malone.george@epa.gov). Thank you for your attention to this matter.

Sincerely yours,

Carl Edlund, P.E.  
Director  
Superfund Division

Enclosures (4)

**EXPLO SYSTEMS INC.  
ENCLOSURE A  
GENERAL NOTICE  
REMOVAL ACTION**

This Notice is from the U.S. Environmental Protection Agency (EPA). This Notice is directed to you, the Potentially Responsible Party (PRP) of the Explo Systems Inc., (Explo) Superfund Site. This Notice does two things:

1. This Notice tells you that this entity may be responsible for the presence of hazardous substances found at the Site. When we say "Site" or "property" in this Notice, we mean the Explo Systems Inc. Superfund Site which is the "property" located at Camp Minden, Webster Parish, Louisiana. This Notice is issued under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund).
2. This Notice provides background information leading up to the EPA's investigation of the Site and the EPA's activities to determine the source of the contamination.

**NOTICE THAT YOU MAY BE LIABLE**

Under Section 107 of CERCLA, 42 U.S.C. § 9607, responsible parties are those who are current owners or operators of a facility, past owners or operators who owned or operated the facility at the time hazardous substances were released or disposed of at the facility, persons who arranged for disposal or treatment at the facility (usually the person(s) who generated the hazardous substance), or persons who selected that facility and transported the hazardous substances to the facility. Section 107 of CERCLA, 42 U.S.C. § 9607, states that responsible parties are liable to the United States for the costs it has incurred or will incur conducting a response action such as that proposed for the Explo Superfund Site. A PRP is therefore responsible for performing the cleanup action in accordance with the EPA requirements, paying for the cleanup by the EPA, and reimbursing the Federal Government for past and future costs of the cleanup activities.

The EPA encourages the Army to participate in negotiations offered under this CERCLA notice letter. If this action does not result in an expedited resolution under CERCLA, the Agency may use other available enforcement authorities including Section 7003 of RCRA, 42 U.S.C. § 6973, in order to ensure cleanup of the Explo Site located in Camp Minden, Louisiana.

**BACKGROUND**

**Previous Actions**

On October 15, 2012, the explosion of a magazine containing black powder and M6 Propellant at Explo Systems shattered windows in Minden, (approximately 4 miles northeast) and generated a 7,000-foot mushroom cloud. The explosion was detected by Doppler Radar in Shreveport and satellite images were captured of the blast from space. The explosion resulted in the complete destruction of the storage magazine containing the material, damage to 10 railcars, and the release of unconsumed M6 Propellant requiring remediation over ¼ mile from the site of the explosion.

The ensuing LSP investigation of the explosion revealed the improper and unsafe storage of explosives and propellants at the Site. On November 27, 2012, LSP served a warrant to Explo Systems and began

the assessment and relocation of unsecured explosives (primarily M6 Propellant) to magazines at Camp Minden.

From November 28, 2012, through May 17, 2013, LSP and Explo employees secured all M6 Propellant (approximately 10 million lbs.) and other explosive materials within the magazines at Camp Minden.

On February 5, 2013, the LANG Adjutant General formally requested assistance with the transportation and storage of the explosives associated with Explo Systems from the Secretary of Defense. That request was denied by the Secretary of the Army on May 12, 2013, citing the prohibitions for the storage, treatment, or disposal of any hazardous materials not owned by DOD in 10 USC§ 2692. The Army did offer the continued technical assistance of the DOD Explosives Safety Board (ESB) and the U.S. Army Technical Center for Explosives Safety.

On April 2 and 3, 2013, at the request of the Louisiana National Guard (LANG), a team from the DOD (US ARMY) ESB conducted a safety assessment of the hazards associated with the M6 Propellant at Explo Systems at Camp Minden. On May 7 through May 9, 2013, a team from the DOD (US ARMY) ESB conducted a safety assessment of all the explosive hazards associated with Explo Systems, including the Explo facility at “S-Line” and the storage magazines at Camp Minden. Technical Assistance Visit reports from the ESB included concerns about the stability of the M6 Propellant and other explosives due to loss of lot integrity, improper storage conditions, and lack of a stability monitoring program. The ESB recommended the disposal of the explosives by open burn/open detonation (OBOD) at Camp Minden. During a meeting on August 1, 2013, the ESB indicated the likelihood of a magazine explosion increased within the next 2 years due to instability concerns associated with this material.

The DOD ESB provided an inventory of the explosives stored in the magazines at Camp Minden (associated with Explo Systems) and at S-Line:

- 128 lbs. of black powder
- 200 lbs. of Composition H6
- Four 50-gallon drums of ammonium perchlorate
- Two 50-gallon drums and 3-50 lb. boxes of Explosive D (ammonium picrate)
- 109,000 lbs. of M30 propellant
- 320,000 lbs. of Clean Burning Incendiary (CBI)
- 661,000 lbs. of Nitrocellulose
- 1.817 million lbs. of Tritonal (aluminum/TNT) mixture
- Unknown volume of Red Water (water contaminated with TNT)
- Effluent associated with the Super Critical Water Oxidation Unit (SCWO)

On June 18, 2013, LSP arrested Explo Systems’ managers and employees who were indicted by the Webster Parish Grand Jury for reckless handling of explosives, failure to properly mark explosives, unlawful storage of explosives, failure to obtain magazine license, failure to keep a proper inventory of explosives, and conspiracy on all counts. After the arrest and indictment of Explo Systems’ employees, their explosive handling licenses with the State of Louisiana were revoked.

On August 5, 2013, the Bureau of Alcohol, Tobacco and Firearms (ATF) revoked Explo Systems Inc. explosives licenses as a result of the indictments of Explo's management and employees by the State of Louisiana.

### **Current Actions**

The previously unsecured explosives at S-Line are currently secured within 98 explosive storage magazines at Camp Minden. A stability monitoring program is not in place for the explosives stored at Camp Minden. The deterioration of the stability of the explosives continues to increase the risk of auto-detonation of the explosives and a magazine explosion similar to the October 2012 explosion.

On August 13, 2013, Explo Systems, Inc., filed for Chapter 11 Bankruptcy and the proceedings for the liquidation of assets and reconciliation of debts is proceeding with the assistance of a U.S. Trustee assigned to the case.

On September 30, 2013, the Bankruptcy Court approved an Explo and Louisiana Department of Military transfer and settlement agreement transferring title of all materials and inventory it owned to the Louisiana Department of Military.

### **YOUR RESPONSE TO THE EPA**

In addition to oral notification, please notify Ms. Brown in **writing** at the address indicated below ***within seven (7) calendar days of the date of receipt of this letter*** to indicate your willingness to negotiate in good faith to pay for the cleanup by the EPA, or reimburse the Federal Government for past and future costs of the cleanup activities. If the EPA does not receive your response within seven (7) calendar days, the EPA may assume you do not wish to negotiate, and the EPA will then take whatever actions are necessary, including the use of Section 7003 of RCRA, 42 U.S.C. § 6973, to abate the potential threat to human health and the environment posed by explosives or hazardous materials on the property.

Your response to this letter and questions regarding the matters in this letter should be directed to:

Ms. Cynthia Brown  
Removal Enforcement Coordinator (6SF-TE)  
United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202  
Telephone: 214-665-7480  
Fax: 214-665-6660  
Brown.cynthia@epa.gov

If you or your attorney has legal questions pertaining to this matter, please direct them to:

Mr. George Malone  
Assistant Regional Counsel (6RC-S)  
United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue  
Dallas, Texas 75202  
Telephone: 214-665-8030  
Fax: 214-665-6460  
[Malone.george@epa.gov](mailto:Malone.george@epa.gov)

The discussions of fact or law in this Notice are meant to help you understand CERCLA and the EPA's actions at the Site. The discussions of fact and law are not final positions on any matter discussed in this Notice.